

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 14-45975

PAUL R. LARK, and
EILEEN LARK,

Chapter 7

Debtors.

Judge Thomas J. Tucker

**ORDER DISAPPROVING REAFFIRMATION AGREEMENT BETWEEN DEBTOR
PAUL R. LARK AND RBS CITIZENS, N.A. (DOCKET # 33)**

This case is before the Court on the Reaffirmation Agreement between the Debtor Paul R. Lark and RBS Citizens, N.A., filed on September 17, 2014 (Docket # 33, the “Reaffirmation Agreement”).¹ For the reasons stated in this Order, the Court concludes that the Reaffirmation Agreement is not enforceable, and therefore must be disapproved.

Under 11 U.S.C. § 524(c)(1), a reaffirmation agreement is not enforceable unless it “was made before the granting of the discharge under section 727.” *See also In re Herrera*, 380 B.R. 446, 449-55 (Bankr. W.D. Texas 2007) and cases cited therein. RBS Citizens, N.A. did not sign the Reaffirmation Agreement until September 17, 2014, over two months after the Debtor Paul R. Lark’s discharge order was entered on July 16, 2014 (Docket # 22). This is indicated in Part III of the Reaffirmation Agreement. Therefore, no reaffirmation agreement between Debtor Paul R. Lark and RBS Citizens, N.A. was made before Debtor Paul R. Lark was granted a discharge. As a result, there can be no enforceable reaffirmation agreement between these parties in this case.

For this reason,

IT IS ORDERED that the Reaffirmation Agreement (Docket # 33), is disapproved as unenforceable under 11 U.S.C. § 524(c)(1).

Signed on September 19, 2014

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

¹ The deadline to file a reaffirmation agreement is established by Fed.R.Bankr.P. 4008(a) — the deadline is “no later than 60 days after the date first set for the meeting of creditors under § 341(a) of the Code.” In this case, the deadline was July 14, 2014. The Reaffirmation Agreement was filed long after the deadline.